

EXHIBIT 63

Second Deposition of James Nottingham

Pages: 20, 21, 36, 38, 39, 58

Dated: April 26, 2022

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1 agree -- to ensure that best practices are in place at
2 each facility they are asked to examine; correct?

3 A. I think --

4 MR. KOLANSKY: Object.

5 THE WITNESS: I think that's what I
6 said, but you put it through purposely -- I mean, more
7 professionally than I did.

8 BY MR. FEINBERG:

9 Q. Okay. Well, thank you, sir, for the
10 compliment. In -- can I -- can we assume that Bucks
11 County -- we can take this down since we're not talking
12 specifically about the document now. Can we assume that
13 Bucks County likes to have or wants to have best
14 practices in place to preserve the health and safety of
15 inmates in its custody?

16 A. Absolutely.

17 Q. So the purpose of going through this
18 accreditation process is to ensure that Bucks County's
19 practices are up to standard in order to meet that goal;
20 correct?

21 A. Yes.

22 Q. Did Bucks County want to have
23 accreditation by NCCHC?

24 A. Absolutely, yes.

25 Q. So when NCCHC pulled Bucks County, in

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1 this document that we were reviewing just a moment ago,
2 that a standard was not met, did Bucks County try to do
3 something to meet that standard?

4 A. Yes.

5 Q. Okay. And we'll come back to that. You
6 mentioned, when I asked you specifically about Bucks
7 County's supervision -- or pardon me -- about the
8 supervision of Inmate Monitors, you said NCC- -- NCCHC
9 was not happy with it. What did you mean by that?

10 A. In their -- in their -- in their report
11 right there it says that we -- we weren't consistent, so
12 that's what I mean by that. We didn't meet their
13 standards.

14 Q. Okay. Don't Bucks County Correctional
15 Officers have a responsibility to consistently observe
16 inmate workers doing their jobs?

17 A. Yes.

18 Q. So would you agree that NCCHC [sic] --
19 NCCHC found that Bucks County was not living up to that
20 responsibility?

21 MR. KOLANSKY: Objection, form of the
22 question.

23 You can answer.

24 THE WITNESS: So we were not fulfilling
25 their standards, in their opinion, according to that

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1 BY MR. FEINBERG:

2 Q. You can answer.

3 A. I don't -- I don't agree with the word
4 failure, your words. I would say --

5 Q. I'll phrase it -- I can phrase it
6 differently.

7 Would you agree, sir, that -- that Bucks
8 County needed to make changes in the way it was
9 conducting procedures in order to ensure the protection
10 of people in its custody?

11 A. I believe that the recommendations made
12 by NCCHC provided us insight into making our watch
13 procedures better and keeping the inmates safer.

14 Q. And so maybe we're saying the same thing
15 but using different words. In summary, sir, that Bucks
16 County wanted to make changes in order to ensure the
17 safety of the prison population?

18 A. I'll agree with that.

19 Q. What remedies which -- I won't use the
20 word remedy. What changes did Bucks County make
21 following receipt of the reports from NCCHC?

22 A. We added another -- we added another
23 form where the officer actually does an observation. It
24 was called the officers observation watch.

25 (Court Reporter clarification.)

1 Would you repeat the question?

2 Q. What documents do you have in front of
3 you?

4 A. I have the report from NCCHC. I have
5 Captain Landis's Incident Report, and I have the Suicide
6 Prevention Program policy in front of me.

7 Q. All right. Thank you. Sir, before we
8 change topics -- we changed topics. We were talking
9 about what actions Bucks County took following receipt of
10 information from NCCHC. You've identified the creation
11 of a form. What else happened?

12 A. Well, we made those changes and made the
13 officers aware in, in-service training. In our lineup
14 roll call, repeatedly the changes were given to staff.

15 Now, when you asked me that type of
16 question like that, do you mean up till right now, to
17 this date what changes, or just specifically to that
18 report?

19 Q. Let's have -- well, let's confine it to
20 between the issuance of that report in 2016 and 2017
21 through August of 2018.

22 A. So everything I just stated right there
23 then. That's -- that's about accurate for the -- that
24 time frame.

25 Q. All right. So there are, to make sure

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1 I've got it, the creation of a new form and an in-service
2 training, also informing officers at lineup and roll
3 call; is that correct?

4 A. Yes.

5 Q. Was there anything else that the County
6 did to -- in response to the NCCHC reporting between 2016
7 and August of 2018?

8 MR. KOLANSKY: That he recalls at this
9 time?

10 MR. FEINBERG: Obviously.

11 MR. KOLANSKY: Okay.

12 THE WITNESS: I -- I thought I just
13 answered that. I didn't -- did you add something into a
14 different question?

15 BY MR. FEINBERG:

16 Q. No. I was confirming, sir, that we've --
17 we've exhausted your recollection as to what happened.

18 A. Yes. Between that time frame, at this
19 time that's all I can remember.

20 Q. All right. Can you remember anything
21 else that's happened after August of 2018?

22 A. Till this -- till today, till present
23 today --

24 Q. Correct.

25 A. -- 2022? Yes --

1 policy; is that correct?

2 A. They suggested.

3 Q. Well, did or did not Bucks County
4 implement a new policy?

5 A. Well, we did. We -- we actually made
6 some changes to the recommendation. We already
7 established that.

8 Q. Right. And you did that because of the
9 issues that NCCHC identified; correct?

10 A. They made recommendations, and we
11 thought it was valid.

12 Q. All right. So the changes you made were
13 to Standard Operating Procedure, Section 4.60. Is that
14 correct?

15 A. That is correct.

16 Q. And one of the things that you did was
17 made sure that that Standard Operating Procedure defines
18 the roles of correctional staff; is that correct?

19 A. That's correct.

20 Q. You and I reviewed, at length, Exhibit
21 P-7 -- this was back in May of 2021 -- and for your
22 reference, sir, this is the Standard Operating Procedure
23 4.60. Is that correct?

24 A. Yes, sir.

25 Q. So for the record, I've got Exhibit P-7